

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/22/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JOVAN CAMPBELL, *on behalf of herself and all others* :
similarly situated, :
:
Plaintiff, :
-v - :
:
PRETTY GIRL CURVES, INC., :
:
Defendant. :
:
----- X
GREGORY H. WOODS, United States District Judge:

1:23-cv-02991-GHW

ORDER

Plaintiff filed her complaint on April 10, 2023. Dkt. No. 1. Since then, Plaintiff has requested, and has been granted, two adjournments of the initial pretrial conference. Dkt. Nos. 7, 11. The Court also has, on two separate occasions, noted Plaintiff's failure to meet deadlines and directed Plaintiff to submit overdue materials. Dkt. Nos. 9, 10.

On November 2, 2023, the Court noted that the required pre-conference materials had yet again not been submitted but that a certificate of default had been entered against Defendant at Plaintiff's request. Dkt. No. 16. The Court therefore stated that it "expect[s] that any application for the issuance of an order to show cause for default judgment will be filed no later than November 7, 2023." *Id.* On November 7, 2023, Plaintiff filed materials supporting an application for an order to show cause for default judgment but failed to conform the materials to the Court's Individual Rules of Practice in Civil Cases, including by failing to include a memorandum of law. Dkt. Nos. 17, 18, 19, 20. On November 9, the Court noted these deficiencies and noted that it "expects a corrected application for the issuance of an order to show cause for default judgment . . . by November 27, 2023." Dkt. No. 21.


Nearly a month has passed since the anticipated date by which Plaintiff was to file the corrected application. As of today, Plaintiff has not done so. Plaintiff has done nothing to prosecute the case since her deficient submissions in early November.

Accordingly, Plaintiff is ordered to show cause no later than January 5, 2024 why this case should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b).

Plaintiff is directed to serve a copy of this order on all Defendants in this action and to retain proof of service.

SO ORDERED.

Dated: December 22, 2023
New York, New York



GREGORY H. WOODS
United States District Judge